

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

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| Case No. | CV 17-0260 | Date | June 19, 2017 |
| Title | <u>Brian Whitaker v. Pacific Investments I and M, LLC, et. al.</u> | | |

Present: The Honorable Fernando M. Olguin, United States District Judge

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| Cheryl Wynn | None Present |
| Deputy Clerk | Court Reporter / Recorder |

Attorneys Present for Plaintiffs: Attorneys Present for Defendants:

None Present None Present

Proceedings: **(In Chambers) Order to Show Cause Re: Sanctions and Dismissal of Action**

Pursuant to the Court's Order of March 8, 2017, the parties were required to complete a settlement conference before a mediator from the court's ADR Panel no later than May 22, 2017. (See Dkt. 14, Court's Order of March 8, 2017, at 1). The parties were required to file with the court a Joint Status Report no later than seven days after the ADR proceeding was completed advising the court of the status of the alleged violations and their mediation efforts. (See id.). The parties did not timely file a Joint Status Report. (See, generally, Dkt.). Accordingly, on June 12, 2017, the court issued an Order to Show Cause Re: Sanctions or Dismissal ("OSC") for the parties failure to file their Joint Status Report, and cautioned the parties that the "[f]ailure to submit a response [] by the deadline set forth above [could] result in the imposition of sanctions and/or dismissal of this action for lack of prosecution." (See Dkt. 18, "Court's Order of June 12, 2017").

Defendants Pacific Investments I and M, LLC, and ENT Restaurant Holdings, LLC, have responded to the court's OSC. (See Dkt. 20, Declaration of Roberto Saldana in Response [to] to [OSC], ("Saldana Decl."); Dkt. 21, Declaration of Michelle T. Fernandez in Response to [OSC], ("Fernandez Decl.")); Plaintiff, however, did not respond to the court's OSC. (See, generally, Dkt.). According to defendants, plaintiff has "failed to communicate with Defendant[s] . . . to participate in setting a mediation date and mediate the matter as ordered by the Court." (Dkt. 20, Saldana Decl. at ¶ 10; see Dkt. 21, Fernandez Decl. at ¶ 16).

Based on the foregoing, IT IS ORDERED THAT:

1. Plaintiff shall show cause on **Thursday, June 22, 2017, at 10:00 a.m.** in Courtroom 6D of the First Street Courthouse why sanctions should not be imposed for failure to comply with the court's OSC. The failure of plaintiff to attend the show cause hearing on Thursday, June 22, 2017, may result in the imposition of sanctions and/or dismissal of the action without prejudice for lack of prosecution and/or failure to comply with a court order. See Fed. R. Civ. P. 41(b); Link v. Wabash R.R. Co., 370 U.S. 626, 629-30, 82 S.Ct. 1386, 1388 (1962); Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002), cert. denied, 538 U.S. 909 (2003).

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2. Counsel for defendants shall also attend the OSC hearing.

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